

broad conclusion of obviousness” when “cited references do not support each limitation” in a claim. In Thrift, the Federal Circuit found that:

While the examiner’s statement **generally addresses** the use of grammar, it does not discuss the unique limitations of extracting, modifying, or processing the grammar to interact with hypermedia sources. The Board’s decision is not supported by substantial evidence because the cited references **do not support each limitation** of claim 11. See In re Vaeck, 947 F.2d 488, 493, 20 USPQ2d 1438, 1444 (Fed. Cir. 1991) [emphasis added].

The references cited by the Examiner do “generally address” fleet management systems and methodologies. However, the Examiner fails to compare specific elements in the Applicants’ claims with the specific elements disclosed in the cited references. In re Thrift requires a more specific analysis before Applicants’ claims can be rejected.

Moreover, there is no affirmative suggestion or motivation in the art to combine the References as asserted by the Examiner. The references cited by the Examiner actually teach away from each other and the Applicants’ claims.

I. THE CITED REFERENCES FAIL TO DISCLOSE ALL OF THE APPLICANTS’ CLAIM ELEMENTS

A. Independent Claim 1 and Dependent Claims 2-4, and 14-15

Claims 1-4 and 14-15 (“Claims Group A”) were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Prabhakaran, U.S. Patent Number 5,922,040 (“Prabhakaran”) in view of a paper titled “Analysis and Modeling of a Fleet Management System of an Airport Shuttle Service” by Becker et al (“Becker”). Applicants’ traverse the rejections on the basis that the cited references fail to disclose all of the specific elements in the Applicants’ claims, as is required by In re Thrift.

1. a simulated fleet configuration unit configured to allow a user to add one or more assets to said simulated fleet, each asset having a parameter associated therewith

The Office Action concedes that Prabhakaran does not disclose “simulation of fleet management assets [Office Action Page 10].” Thus, Prabhakaran cannot disclose a configuration unit for a simulated fleet, the adding of assets to a simulated fleet, or parameters associated with assets in a simulated fleet.

Contrary to the assertions of the Examiner, Becker does not disclose these specific elements. Becker fails to disclose any type of “configuration unit” in section 4.2, page 7, or pages 9-11. Becker is silent on the process of adding “one or more assets” to the simulated fleet. Becker is also silent with respect to whether or not “each asset” is associated with a particular type of parameter. Claim 1, and the claims that depend on claim 1, are in condition for allowance.

2. a reporting and analysis module configured to generate a report having a composite output that corresponds to said parameter and is characteristic of all said assets in said simulated fleet

Prabhakaran fails to disclose a “composite output” in the abstract of Prabhakaran, or in Column 2, Line 25-Column 3, Line 10. Furthermore, there is no evidence in the cited portions of Prabhakaran that the output “corresponds” to a parameter that is a “characteristic of all said assets.” Similar to the situation in In re Thrift, Prabhakaran has been applied in an extremely general way to reject the Applicants’ claims without looking to the specific limitations and elements in the claim. Prabhakaran is the sole reference cited by the Examiner with respect to the above claim elements. However, Becker also fails to disclose any of the above underlined portions of the claim segment. Claim 1, and the claims that depend on claim 1, are in condition for allowance.

3. a communications interface to facilitate electronic remote access of said system by the user

Prabhakaran fails to disclose any type of “remote access” in the abstract of Prabhakaran, or in Column 2, Line 25- Column 3, Line 10. Becker is similarly silent on the issue of distance between the system and users of the system, and other system architecture questions. Claim 1, and the claims that depend on claim 1, are in condition for allowance.

4. a fleet builder module including a step-by-step asset entry system

The Examiner incorrectly asserts that element 1501 in Figures 6 and 7 of Prabhakaran discloses the above listed claim elements. The specification of Prabhakaran provides that element 1501 is a “main process manager” (Column 13, Line 12) that can be used to create a “vehicles file” (Column 14, Line 13). In contrast to a “step-by-step” process for adding assets, Prabhakaran uses a single “vehicles file,” which requires an update to the entire “vehicles file.” No “step-by-step” functionality is disclosed in Prabhakaran. Claim 2 is in condition for allowance.

5. a fleet search module including a first add-to-fleet feature

Contrary to the assertion of the Examiner, element 1501 in Figures 6 and 7 of Prabhakaran fails to disclose a search module that includes the ability to use the search results to add to the fleet. As discussed above, the “main process manager” adds vehicles by adding the “vehicles file.” Prabhakaran is silent as to the use of a search module that can export the search results into the vehicles file. Becker is similarly silent on the details of how assets are added to the virtual fleet. Claim 2 is in condition for allowance.

6. a simulated fleet module including an add-asset feature

Contrary to the assertion of the Examiner, element 1501 in Figures 6 and 7 of Prabhakaran fails to disclose a search module that includes the ability to use the search results to add to the fleet. In fact, the Office Action admits that Prabhakaran fails to even disclose a “simulated fleet.” Neither Prabhakaran nor Becker discloses a mechanism for adding “features” or “parameters” that describe the assets in the virtual fleet. Claim 2 is in condition for allowance.

7. a market search module including a second add-to-fleet feature

Contrary to the assertion of the Examiner, element 1501 in Figures 6 and 7 of Prabhakaran fails to disclose a search module that includes the ability to perform market searches. In fact, the Office Action admits that Prabhakaran fails to even disclose a “simulated fleet.” As discussed above, neither Prabhakaran nor Becker discloses an “add-to-fleet feature.” Thus, neither disclosure mentions a “second” feature. Claim 2 is in condition for allowance.

8. wherein said simulated fleet configuration unit is further configured to store data associated with said simulated fleet in a first database, said first database further including data associated with assets in an existing fleet, said simulated fleet configuration unit being further configured to allow the user to add assets from said existing fleet to said simulated fleet

Neither Prabhakaran nor Becker discloses the functionality of storing both simulated fleet data and existing physical fleet data, much less the storage of such data on a the same database. Claim 3 and the claims that depend on claim 3, are in condition for allowance.

9. wherein said simulated fleet configuration unit is configured to execute on an application server

As discussed above, Prabhakaran fails to disclose a “simulated fleet” and this cannot be said to disclose a “simulated fleet configuration unit.” Prabhakaran similarly fails to disclose an “application server” a phrase that is entirely absent from the Prabhakaran disclosure. The portion of Prabhakaran cited by the Examiner (Column 33, Lines 23-35) discloses a variety of programming languages, potential integration with CAD software, and other software characteristics that do not inherently or suggestively relate to application servers. Similarly, the Becker disclosure is not detailed enough with respect to information technology architecture to disclose an “application server” being used to execute a “simulated fleet configuration unit.” As discussed above, Becker even fails to disclose the architecture of a “simulated fleet configuration unit.” Claim 4 is in condition for allowance.

10. wherein said reporting and analyzing module is configured to executed on an application server

As discussed above, neither Prabhakaran nor Becker disclose an “application server” much less a “reporting and analyzing module” executed on an “application server.” Contrary to the assertions of the Examiner, Column 40, Lines 3-13 of Prabhakaran contains boilerplate language suggesting that Prabhakaran not be limited to any particular technical configuration, infrastructure, or programming language. However, the cited portion of Prabhakaran does not disclose any specific modular structure, the generating of reports or analysis, or an application server used to execute any type of module. Claim 14 is in condition for allowance.

11. wherein said communications interface comprises an Hyper-Text Transfer Protocol (HTTP) compliant web server

Contrary to the assertions of the Examiner, Column 4 of Prabhakaran fails to disclose the use of a “web server” much less a “HTTP compliant web server.” Claim 15 is in condition for allowance.

B. Dependent Claims 5-9, 13, 17, 18, and 20 and Independent Claims 16 and 19

Claims 5-9, 13, and 16-20 (“Claims Group B”) were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Prabhakaran, U.S. Patent Number 5,922,040 (“Prabhakaran”) in view of a paper titled “Analysis and Modeling of a Fleet Management System of an Airport Shuttle Service” by Becker et al (“Becker”) and a Linde-AG website (“Linde”). As a preliminary matter, it has not been established that Linde qualifies as prior art with respect to the Applicants’ claims. The Applicants dispute the applicability of Linde as prior art because the excerpts of Linde provided by the Examiner do not establish a publication date. However, even if Linde is applicable as prior art, the Applicants traverse the rejections on the basis that the cited references fail to disclose all of the specific elements in the Applicants’ claims, as is required by In re Thrift.

1. **including a second database that includes data associated with assets available for one of a purchase, rental, and lease transaction, wherein said simulated fleet configuration unit is further configured to allow the user to add one or more assets from said second database to said simulated fleet**

As admitted in the Office Action, neither Becker nor Prabhakaran is detailed enough with respect to databases to disclose a multiple database configuration where one database stores assets that can be procured while a different database stores the simulated fleet. Contrary to the Examiner's assertion, Linde also fails to disclose a dual database configuration on page 7 of Linde. The word "database" and its equivalents, fails to appear on page 7 of Linde. Thus, none of the references cited by the Examiner can be said to disclose the "first database" and "second database" configuration of the Applicants' claims.

As discussed above, Prabhakaran and Becker fail to disclose in any detail, the process by which assets are added to a simulated fleet. Thus, those references cannot be said to identify the types of transactions (purchase, rental, and lease transactions) used to add or otherwise acquire assets. Similarly, page 7 of Linde may disclose a list of assets than can be acquired, but page 7 of Linde does not distinguish between purchase, rental, and lease transactions. Claim 5, and the claims that depend on claim 5, are in condition for allowance.

2. **including a third database that includes data associated with a plurality of pre-configured assets, each pre-configured asset comprising a parameter having a composite value derived from corresponding parameter values associated with a plurality of specific assets of a similar type, said simulated fleet configuration unit being further configured to allow the user to add one or more assets based on type from said third database to said simulated fleet**

None of the references cited by the Examiner disclose a three-database information technology architecture for compartmentalizing existing fleet, simulated fleet, and potential procurement data. None of the cited references distinguish between assets and pre-configured assets. None of the cited references disclose a "composite value" much less a "composite value derived from corresponding parameter values associated with a plurality of specific assets of a specific type." Contrary to the assertions of the Examiner, Page 7 of Linde merely discloses the

ability to view asset information that is organized into one or more categories. Thus, neither Page 7 of Linde nor Pages 9-11 of Becker disclose the limitations of claim 6. Claim 6, and claims that depend on claim 6, are in condition for allowance.

3. wherein said simulated fleet includes a first asset from said existing fleet, and a second asset selected from one said second database corresponding to assets for purchase, rental, and lease, said third database corresponding to pre-configured assets, and user-defined assets

As discussed above, purchase, rental and lease transactions are not disclosed in the cited references. Similarly, a three-database configuration is absent from the cited disclosures. Thus, claim 7 is in condition for allowance.

4. wherein said report associated with said simulated fleet is a first report, said reporting and analyzing module being further configured to generate a second report having another composite output that is associated with the existing fleet, to thereby allow the user to compare said first and second reports to evaluate the existing fleet and the simulated fleet

As discussed above, none of the cited references discloses a “composite output” and thus, none of the cited references can be said to disclose reports involving a “composite output” or the comparing of reports that utilize a “composite output.” Contrary to the assertion by the Examiner, Becker (pages 4-7, and 9-11) fails to disclose reports relating to existing fleets, and thus cannot be said to disclose the functionality of comparing a first report of a simulated fleet with a second report for an existing fleet. Claim 13 is in condition for allowance.

5. **a market database including data associated with a plurality of specific pieces of industrial equipment that are available for one of purchase, rental, and lease**

As discussed above, none of the references cited by the Examiner delineate the transaction types of “purchase, rental, and lease.” Contrary to the assertions of the Examiner, Linde fails to disclose the different types of transaction on pages 1, 7, or anywhere else within Linde. Claim 16, and the claims that depend on Claim 16, are in condition for allowance.

6. **a simulated fleet configuration unit configured to allow a user to add a first piece of industrial equipment to said simulated fleet from said existing fleet based on data in said fleet database, said simulated fleet configuration unit being further configured to allow said user to add a second piece of industrial equipment based on data from one of said market database, and user-defined industrial equipment, each piece of industrial equipment having a parameter associated herewith**

Contrary to the assertions of the Examiner, Prabhakaran (Column 4, Line 10) cannot disclose a simulated fleet configuration unit, because as admitted elsewhere in the Office Action, Prabhakaran fails to disclose a simulate fleet. Contrary to the assertions of the Examiner, none of the cited references discloses the specific ability to “add a second piece of industrial equipment based on data” available on a “market database.” Contrary to the assertions of the Examiner, pages 1-7 of Linde fail to teach that “each” asset has the associated parameter. Claim 16, and the claims that depend on Claim 16, are in condition for allowance.

7. **a reporting and analysis module configured to generate a report having a composite output corresponding to said parameter that is characteristics of all pieces of industrial equipment in said simulated fleet**

As discussed above, the elements of “composite output” that corresponds to a parameter that is a characteristic of “all” pieces of industrial equipment is not disclosed in the cited art. Claim 16, and all claims dependent upon claim 16, are in condition for allowance.

- 8. a communications interface configured to facilitate electronic remote access by said user**

As discussed above, the cited art fails to disclose “remote access” much less “electronic remote access.” Claim 16, and all claims dependent upon claim 16, are in condition for allowance.

- 9. including a pre-configured asset database that includes data associated with a plurality of modeled pieces of industrial equipment based on type**

As discussed above, the cited art fails to distinguish between pre-configured assets and assets generally. Similarly, databases are not expressly disclosed in any of the cited disclosures. Claim 17 is in condition for allowance.

- 10. wherein said report is a first report, said reporting and analysis module being further configured to generate a second report having another composite output based on industrial equipment in said existing fleet to thereby allow the user to compare said first and second reports to evaluate said existing and simulated fleets**

As discussed above, none of the cited references discloses the element of “composite output.” Thus, as discussed above, the cited references fail to disclose the functionality of comparing reports to compare simulated and existing fleets when none of the cited references discloses an awareness of both existing and simulated fleets. Claim 18 is in condition for allowance.

- 11. providing a market database including data associated with a plurality of specific pieces of industrial equipment that are available for one of purchase, rental, and lease**

As discussed above, none of the cited references discloses the specific transactions of “purchase, rental, and lease.” Instead, the cited references refer “generally” to available assets. Claim 19 and its dependent claims, are in condition for allowance.

12. selecting a first piece of industrial equipment for inclusion in said simulated fleet from the existing fleet based on data in the fleet database, and further selecting a second piece of equipment based on data from one of the market database, the pre-configured asset database and user defined pieces of industrial equipment, each piece of industrial equipment having a parameter of interest associated therewith

Contrary to the assertions of the Examiner, pages 1-7 of Linde fails to disclose a “parameter of interest” much less a “parameter of interest” associated with individual pieces of industrial equipment. Claim 19 and its dependent claims, are in condition for allowance.

13. generating a report having a composite output value as a function of respective parameter values associated with the first and second pieces of equipment

Contrary to the assertions of the Examiner and consistent with the discussion above, page 11 of Becker fails to disclose a “composite output,” much less a “composite output value.” The utilization of parameter values associated with different pieces of equipment being used to generate a composite output. Claim 19 and its dependent claims, are in condition for allowance.

14. electronically transmitting the report to the user at a remote location

As discussed above, none of the cited references discloses any awareness of location with respect to users, and thus cannot be said to disclose a user at a remote location. Claim 19 and its dependent claims, are in condition for allowance.

15. generating a second report having another composite output value based on respective parameter values associated with pieces of industrial equipment in the existing fleet to thereby allow the user to compare the first and second reports to evaluate the existing and simulated fleets

As discussed above, none of the cited references discloses a “second report” or the ability to calculate a first “composite output value” much less “another” composite output value. None of the cited references discloses both actual and simulated fleets, and this none of the cited disclosures can disclose the functionality of comparing a simulated fleet with an actual fleet. Claim 20, and claim 21, which depends on claim 20, are in condition for allowance.

C. Dependent Claims 10-12, and 21

Claims 10-12 and 21 ("Claims Group C") were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Prabhakaran, U.S. Patent Number 5,922,040 ("Prabhakaran") in view of a paper titled "Analysis and Modeling of a Fleet Management System of an Airport Shuttle Service" by Becker et al ("Becker") in view of Linde-AG website ("Linde") and in view of the website by GE Capital Fleet Services ("GE"). As a preliminary matter, the Applicants dispute the applicability of GE as prior art with respect to the Applicants' claims. The fact that the copyright for the GE website is disclosed as "1997-2002" does not mean that any particular subject matter on the website pre-dates the Applicants' priority date. It would be very surprising if a company like GE didn't update its web site materials on a frequent basis. However, even if GE is valid prior art, Applicants traverse the rejections on the basis that the cited references fail to disclose all of the specific elements in the Applicants' claims, as is required by In re Thrift.

1. wherein said parameter includes at least one of a total maintenance cost, an hourly maintenance cost, a total lease cost, a total operating cost, a total hourly operating cost, and a utilization rating

On page 13 of the Office Action, the Examiner cites page 3 of GE to reject the above underlined claim elements. However, page 3 even fails to disclose the word "cost" much less the numerous specific costs such as total maintenance cost, hourly maintenance cost, total lease cost, total and operation cost listed in the claim. Moreover, page 3 of GE makes no reference to the words "utilization" and "rating" much less a "utilization rating." Claim 10 is in condition for allowance.

2. wherein said parameter is one of said hourly maintenance cost, said total hourly cost, and said utilization, wherein said reporting and analyzing module is further configured to determine said composite output according to an arithmetic sum function

As discussed above, the Examiner's citation of GE page 3 to disclose the above claimed elements was in error. Page 3 of GE fails to even "generally" address the Applicants' claim elements of "hourly maintenance cost, said total hourly cost, and said utilization." As discussed

above, none of the cited references disclose a “composite output” much less a “arithmetic sum function.” The Office Action fails to even mention the “arithmetic sum function” much less provide a prior art reference, even though it is an element in Applicants’ claim. Claim 11 is in condition for allowance.

3. wherein said parameter includes at least one of said hourly maintenance cost, said total hourly cost, and said utilization, wherein said reporting and analyzing module is further configured to determine said composite output according to an arithmetic average function

As discussed above, the cited references fail to disclose an hourly maintenance cost, a total hourly cost, or a utilization. As discussed above, none of the cited references disclose the “composite output” element. Furthermore, the Office Action fails to even mention the “arithmetic average function.” Claim 12 is in condition for allowance.

II. THE CITED REFERENCES TEACH AWAY FROM THE APPLICANTS’ CLAIMS

Contrary to the assertions of the Examiner, there was no suggestion or motivation in the art that supports combination of the cited references as asserted by the Examiner. The cited references focus on different types of problems utilizing different philosophies and techniques. The vast differences in the approaches teach away from the Applicants’ claims, and the other references.

Prabhakaran focuses on information gathering relating to existing fleets, not simulated or virtual fleets. The Office Action admits that Prabhakaran fails to disclose a simulated fleet. In contrast, the Applicants’ claims relate to a simulated fleet. Prabhakaran is focused almost exclusively on the motion and location of the fleet of assets. Figure 2 of Prabhakaran discloses three database dedicated to storing location data. In contrast, the Applicants’ claims relate primarily to parameters involving cost and cost effectiveness. Prabhakaran is a “technique for computer aided dispatching of a fleet of vehicles by way of a map” (Column 1, Lines 22-23).

The Applicants' claims relate to a system and method of enhancing the utilization rate of the assets, maximizing benefits while minimizing costs. Prabhakaran exhibits no cognizance of the procurement or disposal of assets. The Applicants' claims allow fleet managers "to effectively and efficiently determine the timing, selection, and acquisition of replacement equipment, and the disposal of equipment being retired from the fleet or coming to an end of the lease term (Page 2, Lines 14-18)." Although both Prabhakaran and the Applicants' claims relate "generally" to assets, the Applicants' inventory management of a fleet of assets over time from a business perspective is materially different than a dispatcher routing vehicles on a particular day during a particular period of time.

In contrast to Prabhakaran, Becker takes an exclusively simulated approach. Becker does not directly relate to any assets in the real world. The Applicants' claims relate to the use of simulated fleets in comparison to physical assets in order to better manage the physical assets. Becker focuses on the problem of "traffic planning" (Becker, page 1). In fact, Becker focuses on the extremely specific challenges of "an airport shuttle service" (Becker, page 1). The Applicants' claims manage business assets over time to minimize costs, and maximize benefits. Becker discloses no cognizance of costs, the lifespan of assets, maintenance activities, the procurement process, the sell-off of assets, or any other aspect of asset outside of the "traffic planning" aspects. Becker is a different solution to a different problem, and thus is not an appropriate reference from a section 103 perspective.

In contrast to Becker and Prabhakaran, Linde focuses on specific products and types of products. In contrast to Becker and Prabhakaran, Linde ignores issues relating to traffic flow. In contrast to the Applicants' claims, Linde does not focus on maximizing the utilization of the assets themselves. Instead, Linde focuses its attention on the business activities that use the assets, not the assets themselves as assets. Linde is different solution to a different problem. There is no suggestion or motivation in the art to combine Linde with either Becker or Prabhakaran. There is no suggestion or motivation in the art to utilize Linde in order to achieve the benefits included in the Applicants' claims. There is no evidence that Linde has any

cognizance of the lifespan of assets, the procurement process, the sell-off of assets, or any other perspective that exists over a period of time.

The other cited disclosures also teach away from GE. GE appears to be a sales mechanism for products and services, including diverse offerings such as satellite technology and accident management. The GE disclosure is limited to such a high-level and undetailed listing of benefits and goals that a motivation to combine GE cannot be said to be found in the art.

CONCLUSION

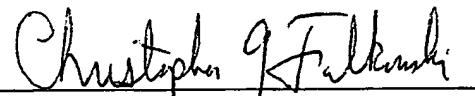
Claims 1-21 are in condition for allowance because in accordance with In re Thrift, it is not enough for cited prior art references to "generally address" the claim elements of the Applicant. If even one claim element is not disclosed in the cited references, the claim cannot be rejected. If the claims are not believed to be in condition for allowance, the Applicants' respectfully request an interview with the Examiner to discuss the Office Action and the cited references. It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

Respectfully submitted,

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